IN RE:

PETITION FOR SPECIAL HEARING

S/S Jerusalem Road and E/S

Bradshaw Road (Huson Property)

11th Election District
5th Councilmanic District

Eleanor Green Huson, et al

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 99-84-SPH

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Eleanor Green Huson, Kathryn B. Green, Mildred G. Nolan (Green), and Erma R. Green. The Petitioners seek approval of a non-density transfer of 1.17 acres to an adjacent property owner. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Eleanor G. Huson, co-Owner of the property, and David Billingsley, Professional Engineer, who prepared the site plan of the property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 28.19 acres, more or less, predominantly zoned R.C.5, with a small area along Bradshaw Road zoned B.M.-C.R. The property is an unimproved parcel located near the southeast corner of the intersection of Jerusalem Road and Bradshaw Road in Kingsville. Mrs. Huson testified that the property has been in her family since the 1930s and is now owned by herself and her three sisters, although it is currently for sale. The Petitioners were recently asked by Mr. & Mrs. Gibson, an adjoining

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property owner who reside at 7424 Bradshaw Road, if they would consider a non-density transfer of a small portion of their property to them. The Gibsons would like to increase the overall size of their holdings and create a greater buffer between their house and their neighbors. The Petitioners have agreed to transfer 1.17 acres to the Gibsons, as shown on Petitioner's Exhibit 1, leaving 27.02 acres remaining. As noted above, there will be no density associated with this transfer. However, in order to proceed as proposed, the requested special hearing relief is necessary.

After due consideration of the testimony and evidence presented, I find that the relief requested should be granted. It has been established that the proposed transfer is for non-density purposes and will not result in any increase in density associated with the Gibson property. Thus, it is clear that the relief requested meets the spirit and intent of the zoning regulations and will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) As noted herein, the transfer of the subject 1.17 acre parcel to the Gibsons is for non-density purposes

and will not result in any increase in density associated with the Gibson property.

- 3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within ninety (90) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

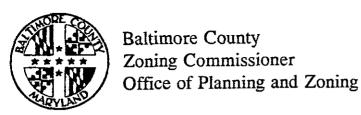
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Date St. CLIVID WOR FILING



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

November 19, 1998

Ms. Eleanor G. Huson 7417 Goettner Road Kingsville, Maryland 21087

RE: PETITION FOR SPECIAL HEARING
S/S Jerusalem Road and E/S Bradshaw Road
(Huson Property)
11th Election District - 5th Councilmanic District
Eleanor Green Huson, et al - Petitioners
Case No. 99-84-SPH

Dear Ms. Huson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. David Billingsley

601 Charwood Court, Edgewood, Md. 21040

People's Counsel; Case Files



Řevised 9/5/95

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

SS JERUSALEM ROAD, ES BRADSHAW ROAD

which is presently zoned

RC-5

This Petition shall be filed with the Department of Permits & Development Management

BM-CR

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A NON-DENSITY TRANSFER OF A 1.17 ACRE PARCEL TO ADJACENT PROPERTY OWNER GIBSON.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lesser G. HUSON (Type or Print Name) Signature Address City 7417 Goettner Road (4-60) 592-6393 Attorney for Petitioner Address Kingsville, Md. 21087 (Type or Print Name) State Name, Address and phone number of representative to be contacted. David W. Billingsley Signature 601 Charwood Court Edgewood, Md 21040 (410)679-8719 ddress Phone No OFFICE USE ONLY State Zipcode ESTIMATED LENGTH OF HEARING Next Two Mor OTHER REVIEWED BY:

LEGAL OWNERS

ELEANOR GREEN HUSON 7417 GOETTNER ROAD KINGSVILLE, MD. 21087 (410) 592-6393

MILDRED GREEN NOLAN 11630 GLEN ARM ROAD #113 GLEN ARM, MD. 21057 (410) 592-7236

KATHYRN GREEN
2300 DULANEY VALLEY ROAD
R 303
TIMONIUM, MD.
(410) 453-6748

ERMA GREEN 11819 BELAIR ROAD KINGSVILLE, MD. 21087 (410) 592-7648

ONDER REGUNDOGRAFILING
Date

3y

ZONING DESCRIPTION HUSON PROPERTY S.S. JERUSALEM ROAD, E.S. BRADSHAW ROAD TOTAL SITE

Beginning at a point in the center of Jerusalem Road, distant 170 feet east of it's intersection with the center of Bradshaw Road thence:

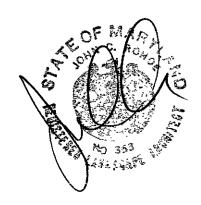
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(1) N 54° 40' 34" E 102.39 feet thence;
 (2) N 50° 03' 56" E 344.05 feet thence;
 (3) N 50° 43' 28" E 273.82 feet thence;
 (4) S 39° 51' 06" E 200.00 feet thence;
 (5) N 50° 43' 28" E 100.00 feet thence;
 (6) N 39° 51' 06" W 200.00 feet thence;
 (7) N 50° 43' 28" E 118.65 feet thence;
 (8) S 39° 51' 06" E 835.46 feet thence;
 (9) S 05° 00' 00" E 377.03 feet thence;
(10) S 69° 32' 37" W 1204.27 feet thence;
(11) N 12° 42' 30" W 115.79 feet thence;
(12) S 69° 32' 37" W 27.89 feet thence;
(13) N 23° 57' 08" W 62.53 feet thence;
(14) N 61° 08' 14" W 31.41 feet thence;
(15) N 33° 48' 06" W 10.20 feet thence;
(16) N 32° 29' 43" W 25.11 feet thence;
(17) S 67° 48' 07" W 210.49 feet thence;
(18) N 12° 42' 30" W 136.23 feet thence;
(19) N 71° 05' 03" E 180.13 feet thence;
(20) N 18° 42' 19" W 74.14 feet thence;
(21) N 82° 41' 14" W 149.72 feet thence;
(22) N 07° 14' 21" E 140.94 feet thence;
(23) S 82°
           33' 40" E 130.28 feet themce;
(24) N 07° 26' 20" E 157.49 feet thence;
(25) N 51° 26' 58" E 110.88 feet and
(26) N 38° 24' 52" W 132.20 feet to the place of beginning.
Containing 28.19 acres of land more or less and being located
in the 11th Election District, 5th Councilmanic District.
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ZONING DESCRIPTION HUSON PROPERTY S.S. JERUSALEM ROAD, E.S. BRADSHAW ROAD NON DENSITY TRANSFER AREA

Beginning at a point in the center of Bradshaw Road, distant 225 feet east of it's intersection with the center of Jerusalem Road thence:

- (1) S 82° 33' 40" E 130.28 feet themce;
- (2) S 29° 24' 20" E 282.04 feet thence;
- (3) S 67° 48' 07" W 286.00 feet thence;
- (4) N 12° 42' 30" W 85.23 feet thence;
- (5) N 71° 05' 03" E 180.13 feet thence;
- (6) N 18 42' 19" W 74.14 feet thence;
- (7) N 82° 41' 14" W 149.72 feet and
- (8) N 07° 14' 21" E 140.94 feet to the place of beginning. Containing 1.17 acres of land more or less and being located in the 11th Election District, 5th Councilmanic District.



50,00 CH CK Baltinoro County, Narytand PRULESS ATTURE THE OFFICE OFFI 5 NUMBER OF REPORTED Resolpt II (FE NI), CEELGE No. 056146 ACCOUNT B-OOI-CIS-COC Taken # 84 Taken by: JRF AMOUNT \$ 50.00 YELLOW . CUSTOMER 9 HOM SE JETUSALEN PO. BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY この・ のトナイーのか 080 DISTRIBUTION WHITE - CASH)ER DATE F0.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on

THE JEFFERSONIAN,

G. Henredown

CERTIFICATE POSTING

RE: Case No.: 99-84 SPH
Petitioner/Developer E.G. HUDSON, ETAL
% DAVE BILLINGSLEY
Date of Hearing/Closing: 10/13/98

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law ZSIGNS were posted conspicuously on the property located at ONSITE

BRADSHAW RD. & VERUSALEM RD

The sign(s) were posted on (Month, Day, Year)

Sincerely,

BE DELECTION OF THE BELL BELL BY E ZONING COMVISSIONER

CASE# 99-84-SPH
9/25/98 JERUSPLEM Rd. 10/13/98

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366; CELL-410-905-8571 (Telephone Number)

9/11/98

1 - Plat o.k per wcr applicants submitted (12)

JRF

99.84-5PH

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspape	r Advertising:
Item Number or	r Case Number: 84
	ELEANOR G. HUSON, ETAL
Address or Loc	ation: 5-5. JERUSALEM RO, E.S. BRADSHAW RD.
PLEASE FORW	VARD ADVERTISING BILL TO:
	VARD ADVERTISING BILL TO:
PLEASE FORW Name: Address:	CENTRAL DRAFTING & DESIGN. INC.

Revised 2/20/98 - SCJ

99.84-5PH

Request for Zoning: Variance, Special Exception, or Special Hearing Date to be Posted: Anytime before but no later than Format for Sign Printing, Black Letters on White Background:							
	ZONING NOTICE Case No.: 99-84-5PH						
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD						
PLACE: DATE AND TIME: REQUEST: Special 1 17 Acre par	Hearing - A non-density transfer of a cel to adjacent property owner Gibson						
	O WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391. HIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE						

TO: PATUXENT PUBLISHING COMPANY

September 24, 1998 Issue - Jeffersonian

Please forward billing to:

Central Drafting & Design, Inc.

410-679-8719

601 Charwood Court Edgewood, MD 21040

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER 98-84-SPH

S/S Jerusalem Road, E/S Bradshaw Road

11th Election District - 5th Councilmanic District

Legal Owner: Eleanor G. Huson & Kathryn B. Green & Mildred G. Green & Erma R. Green

<u>Special Hearing</u> to approve a non-density transfer of a 1.17 acre parcel to adjacent property owner.

HEARING:

Tuesday, October 13, 1998 at 9:00 a.m. in Room 407, County Courts Building,

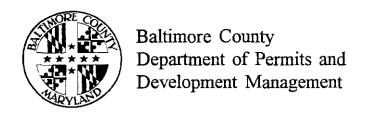
401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER 98-84-SPH

S/S Jerusalem Road, E/S Bradshaw Road

11th Election District - 5th Councilmanic District

Legal Owner: Eleanor G. Huson & Kathryn B. Green & Mildred G. Green & Erma R. Green

Special Hearing to approve a non-density transfer of a 1.17 acre parcel to adjacent property owner.

HEARING:

Tuesday, October 13, 1998 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon 🌂

Director

c: Eleanor G. Huson

Kathryn B. Green

Mildred R. Green

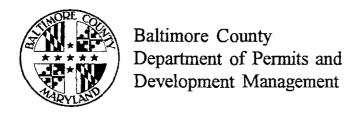
Erma R. Green

David W. Billingsley

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 28, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 8, 1998

Mr. David W. Billingsley 601 Charwood Court Edgewood, MD 21040

RE: Item No.: 84

Case No.: 99-84-A

Location: SS Jerusalem Road,

ES Bradshaw Road

Dear Mr. Billingsley:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 24, 1998.

Committee (ZAC), which consists The Zoning Advisory representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

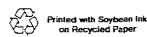
Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: September 17, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for September 14, 1998

Item Nos. 084 086, 087, 089, and

090

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: September 4, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 83 84 85, 86, and 87

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief: Offy W. Long

AFK/JL

Date: September 10, 1998

FROM:

TO:

R. Bruce Seeley A A S

SUBJECT:

Zoning Item #84

Arnold Jablon

Eleanor Huson Property - Jerusalem & Bradshaw Roads

Zoning Advisory Committee Meeting of September 8, 1998 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other

Sections, of the Baltimore County Code).



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

September/@, 1998

TO: Arnold Jablon, Director

Permits and Development Management

MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD

FIRE MARSHAL OFFICE

MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 14, 1998.

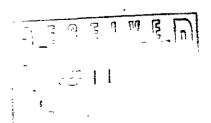
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 084, 085, 086, 087, 088, 089 AND 090.





RE: PETITION FOR SPECIAL HEARING Jerusalem Road, S/S Jerusalem Rd, E/S Bradshaw						*	BEFORE THE					
Rd, 11th Election District, 5th Councilmanic Legal Owners: Eleanor Huson, Mildred Nolan, Kathryn Green & Erma Green						*		ZONING COMMISSIONER				
						*		FOR				
						*		BALTIMORE COUNTY				
Petitioner(s)						*	Case Number: 99-84-SPH					
* 1	*	*	*	*	*	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Carole S. Domilio

Old Courthouse, Room 47

400 Washington Avenue

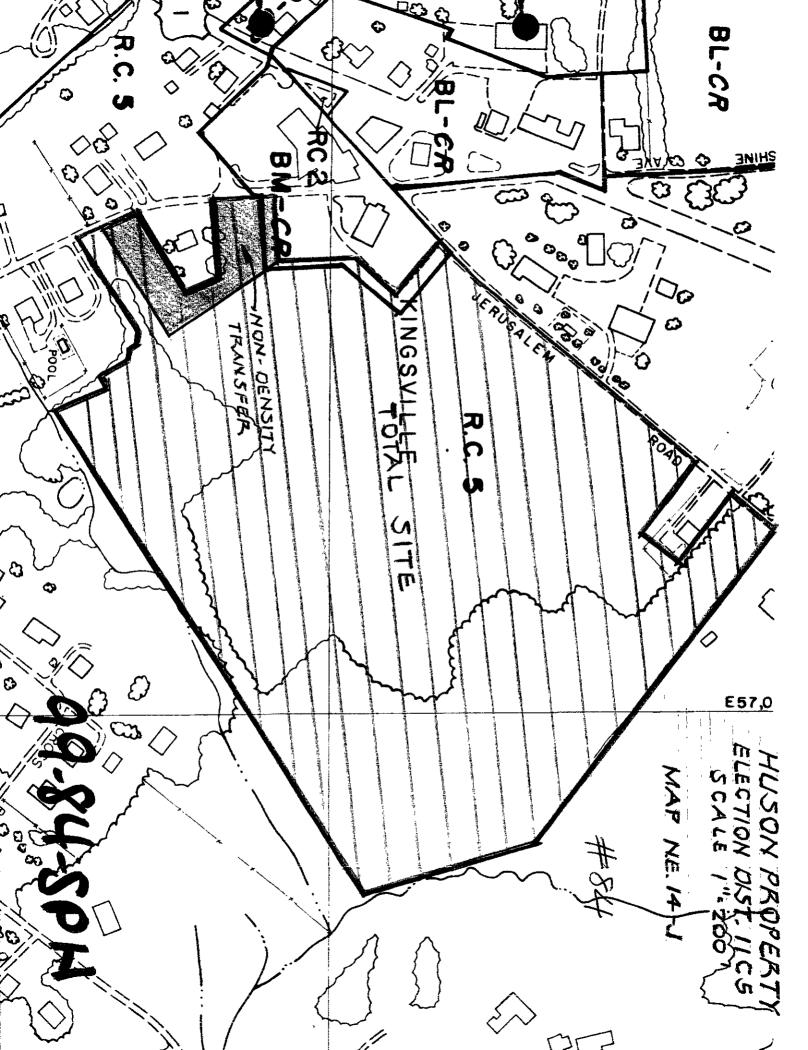
Towson, MD 21204

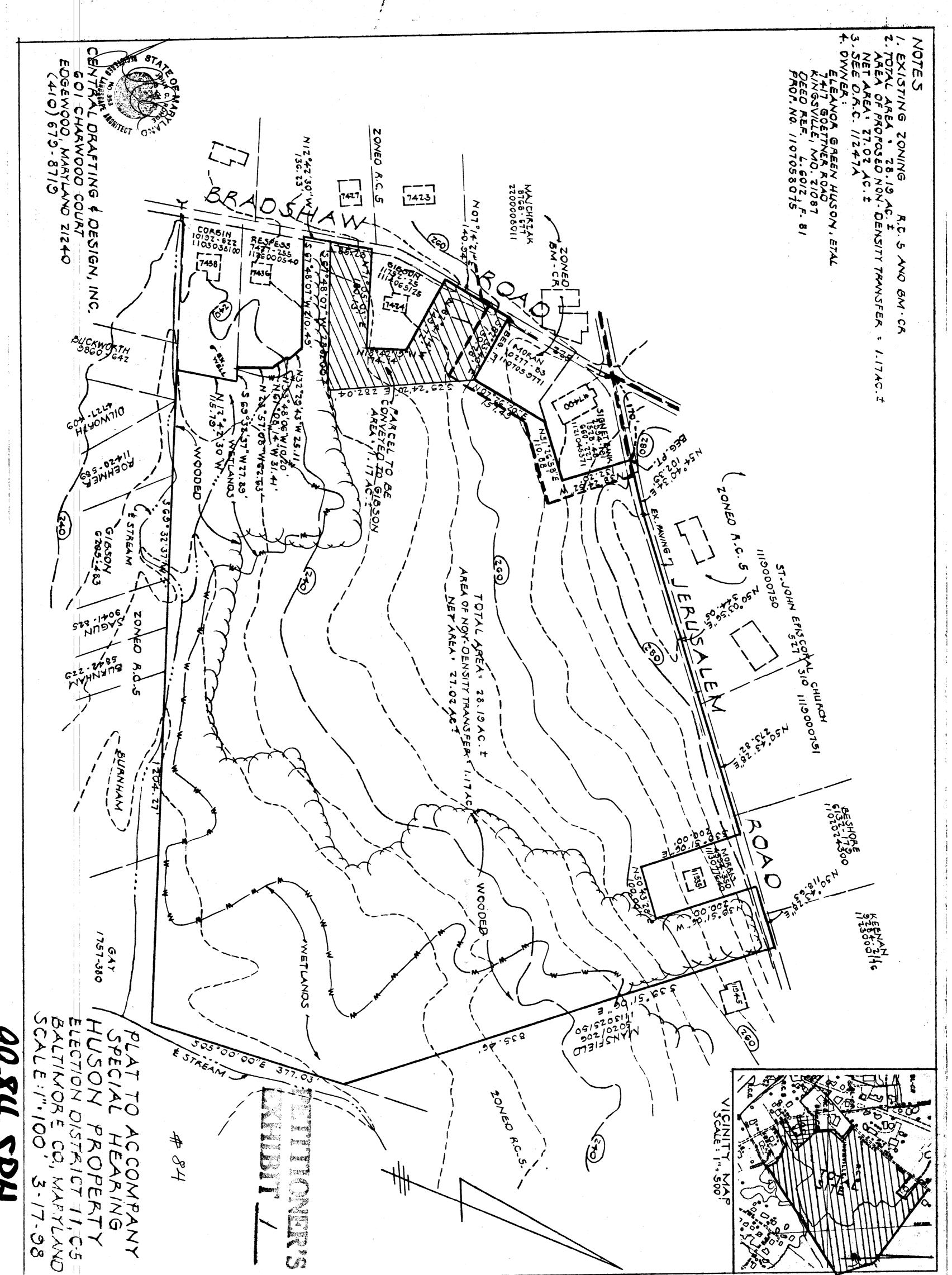
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of September, 1998, a copy of the foregoing Entry of Appearance was mailed to David W. Billingsley, 601 Charwood Court, Edgewood, MD 21040, representative for Petitioner(s).

PETER MAX ZIMMERMAN





99-84-SPH